

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on January 30, 2007
at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused:

Sen. Carol Williams (D)
Sen. David E. Wanzonried (D)

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 322, 1/25/2007; SB 294,
1/25/2007; SB 327, 1/25/2007; SB
330, 1/25/2007
Executive Action: SB 193, SB 322, SB 327, SB 74,
SB 278

HEARING ON SB 322

Opening Statement by Sponsor:

00:01:31 SEN. JOHN BRUEGGEMAN (R), SD 6, opened the hearing on SB 322, Revise vehicular assault and homicide laws.

Proponents:

00:03:41 Rep. Rick Jore, HD 12

00:05:17 Rep. Janna Taylor, HD 11

00:05:54 Joan Sherman

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

00:07:36 Sen. Brueggeman

HEARING ON SB 294

Opening Statement by Sponsor:

00:08:35 SEN. DAN HARRINGTON (D), SD 38, opened the hearing on SB 294, Clarify state agency guardianships.

Proponents:

00:12:29 Rick Bartos, Chief, Adult Protective Services Bureau, Montana Department of Public Health and Human Services (DPHHS)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:20:55 Sen. Jim Shockley to Mr. Bartos, DPHHS

00:22:22 Sen. Jerry O'Neil to Mr. Bartos, DPHHS

00:23:57 Sen. Gary Perry to Mr. Bartos, DPHHS
00:25:44 Sen. Shockley to Mr. Bartos, DPHHS
00:27:26 Sen. Dan McGee to Mr. Bartos, DPHHS
00:29:21 Sen. Aubyn Curtiss to Mr. Bartos, DPHHS
00:31:13 Sen. Perry to Mr. Bartos, DPHHS
00:33:58 Sen. Jesse Laslovich to Mr. Bartos, DPHHS
00:36:59 Sen. McGee to Mr. Bartos, DPHHS
00:38:07 Sen. Curtiss to Mr. Bartos, DPHHS

EXHIBIT(jus20a01)

Closing by Sponsor:

00:38:57 Sen. Harrington

HEARING ON SB 327

Opening Statement by Sponsor:

00:39:40 **SEN. DAVE LEWIS (R), SD 42**, opened the hearing on **SB 327**, Allow single sex health clubs.

Proponents:

00:44:17 W. Lianne Ewals, President, Curves Health Club
00:50:12 Crystal Bales, Member, Curves
00:54:06 Jean Stoker, Member, Curves
00:56:45 Linda Jackson

EXHIBIT(jus20a02)

00:58:19 Jerry Keck, Administrator, Bureau of Administration,
Montana Department of Labor and Industry(DOL)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:00:58 Sen. McGee to Sen. Lewis

01:04:43 Sen. Shockley to Mr. Keck, DOL

01:05:45 Sen. Perry to Sen. Lewis

Closing by Sponsor:

01:06:25 Sen. Lewis

HEARING ON SB 330

Opening Statement by Sponsor:

01:07:25 **SEN. JERRY O'NEIL (R), SD 3**, opened the hearing on **SB 330**, Revise excess speed at which citation goes on driving record.

Proponents: None.

Opponents: None.

01:10:18 Paul Grimstad, Montana Highway Patrol (MHP)

01:11:26 Greg Van Horssen, State Farm Insurance Company (SFIC)

01:15:43 Jacqueline Lenmark, American Insurance Association (AIA)

01:17:50 Dwight Easton, Farmers Insurance Group

01:19:13 Barry "Spook" Stang, Executive Vice President, Montana Motor Carriers Association

01:20:33 Frank Cote, Farmers Union Insurance

Informational Testimony: None.

Questions from Committee Members and Responses:

01:21:09 Sen. Carol Juneau to Mr. Van Horssen, SFIC

Closing by Sponsor:

01:23:12 Sen. O'Neil

01:24:23 Break

01:47:57 Resume

EXECUTIVE ACTION ON SB 193

Discussion:

01:50:21 Sen. Laslovich

[EXHIBIT\(jus20a03\)](#) [EXHIBIT\(jus20a04\)](#)

01:51:36 **Motion:** SEN. LASLOVICH moved that SB 193 DO PASS.

Discussion:

01:53:16 Sen. Shockley

01:54:03 Shirley Brown, Administrator, Child and Family Services Division, Montana Department of Public Health and Human Services (DPHHS)

01:55:16 Sen. Perry

01:57:15 Sen. Shockley

01:58:18 Sen. McGee

02:00:44 Sen. Shockley

02:02:02 Sen. O'Neil

02:03:52 Sen. Laslovich to Sen. O'Neil

02:07:43 **Motion:** SEN. MCGEE moved to amend SB 193 with a CONCEPTUAL AMENDMENT.

Discussion:

02:09:14 Sen. Laslovich to Ms. Brown, DPHHS

02:11:34 Sen. Perry to Ms. Brown, DPHHS

02:14:05 Sen. McGee to Ms. Brown, DPHHS

02:16:12 Sen. Shockley to Ms. Brown, DPHHS

02:18:04 Sen. Shockley to Sen. McGee

02:18:56 Sen. McGee to Valencia Lane, Staff Attorney,
Legislative Services Division (LSD)

02:20:48 Sen. Shockley

02:22:35 **Motion: Motion that the CONCEPTUAL AMENDMENT BE
ADOPTED carried unanimously by voice vote. SEN.
WILLIAMS and SEN. WANZENRIED voted aye by proxy.**

02:23:30 **Motion: SEN. MCGEE moved to further amend SB 193 with
a CONCEPTUAL AMENDMENT.**

Discussion:

02:23:40 Sen. O'Neil to Sen. McGee

02:25:37 Sen. Jent to Sen. McGee

02:26:29 Valencia Lane, LSD

02:27:36 Sen. Shockley to Valencia Lane, LSD

02:28:40 Sen. McGee to Sen. Shockley

02:30:06 Sen. Laslovich

02:30:51 Sen. O'Neil

02:31:21 Sen. McGee to Sen. O'Neil

02:31:52 Sen. O'Neil

02:36:02 Sen. Jent to Valencia Lane, LSD

02:27:48 Sen. Shockley to Sen. McGee

02:30:12 Sen. O'Neil to Sen. McGee

02:32:23 **Motion: Motion that the CONCEPTUAL AMENDMENT BE
ADOPTED carried 11-0 by voice vote with SEN. WANZENRIED
and SEN. WILLIAMS voting aye by proxy. SEN. JENT was
excused.**

02:32:14 **Motion: SEN. SHOCKLEY moved that SB 193 DO PASS AS
AMENDED.**

Discussion:

02:33:52 Sen. O'Neil to Sen. McGee

02:33:53 Sen. Laslovich to Sen. O'Neil

02:34:38 Valencia Lane, LSD

02:36:09 Sen. O'Neil to Valencia Lane, LSD

02:36:23 Sen. O'Neil to Ms. Brown, DPHHS

02:37:27 **Vote: Motion that SB 193 DO PASS AS AMENDED carried 11-0 by roll call vote with SEN. WANZENRIED and SEN. WILLIAMS voting aye by proxy. SEN. JENT was excused.**

EXECUTIVE ACTION ON SB 322

02:39:09 **Motion: SEN. PERRY moved that SB 322 DO PASS.**

Discussion:

02:40:09 Ms. Lane, LSD

02:42:18 Sen. Laslovich

02:42:27 Sen. Shockley

02:42:38 **Motion: SEN. LASLOVICH moved to amend SB 322 with a CONCEPTUAL AMENDMENT.**

Discussion:

02:43:40 Sen. Perry

02:45:28 Sen. Shockley to Sen. Perry

02:46:40 Sen. Shockley

02:47:06 **Vote: Motion that the CONCEPTUAL AMENDMENT BE ADOPTED carried unanimously by voice vote. SEN. WILLIAMS and SEN. WANZENRIED voted aye by proxy.**

02:47:25 **Motion: SEN. PERRY moved that SB 322 DO PASS AS AMENDED.**

Discussion:

02:47:37 Sen O'Neil

02:48:15 Sen. McGee to Ms. Lane, LSD

02:48:53 Sen. Jent

02:50:27 **Vote:** Motion that SB 322 DO PASS AS AMENDED carried unanimously by voice vote. SEN. WANZENRIED and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 327

02:51:09 **Motion:** SEN. MCGEE moved that SB 327 DO PASS.

Discussion:

02:52:04 Sen. Jent

02:52:35 Sen. Perry

02:52:41 Sen. Shockley

02:48:29 Sen. O'Neil

02:53:01 Sen. McGee

02:54:31 Sen. Laslovich

02:55:06 **Vote:** Motion that SB 327 DO PASS failed 4-8 by roll call vote with SEN. MCGEE, SEN. CURTISS, SEN. O'NEIL, and SEN. PERRY voting aye. SEN. WANZENRIED and SEN. WILLIAMS voted no by proxy.

02:55:59 **Motion/Vote:** SEN. LASLOVICH moved that SB 327 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 74

02:56:28 Motion: SEN. MOSS moved that SB 74 DO PASS.

Discussion:

02:58:08 Motion: SEN. JENT moved that amendment #SB007402.AVL BE ADOPTED.

EXHIBIT(jus20a05)

Discussion:

03:01:01 Sen. Jent

03:01:30 Vote: Motion that amendment #SB007402.AVL BE ADOPTED carried unanimously by voice vote. SEN. JUNEAU, SEN. WANZENRIED, and SEN. WILLIAMS voted aye by proxy.

03:01:25 SEN. JENT moved that SB 74 DO PASS AS AMENDED.

Discussion:

03:01:30 Sen. Jent

03:01:52 Motion: SEN. O'NEIL moved to further amend SB 74 with amendment #SB007401.AVL.

EXHIBIT(jus20a06)

Discussion:

03:02:52 Sen. O'Neil

03:03:10 Sen. Jent

03:03:42 Sen. McGee to Sen. Jent

03:04:04 Sen. Shockley

03:04:09 Vote: Motion that amendment #SB007401.AVL BE ADOPTED carried 8-4 by voice with SEN. LASLOVICH, SEN. MOSS, SEN. WANZENRIED, and SEN. WILLIAMS voting no. SEN. WANZENRIED and SEN. WILLIAMS voted no by proxy. SEN. JUNEAU voted aye by proxy.

03:04:56 **Motion:** SEN. JENT moved that SB 74 DO PASS AS AMENDED.

Discussion:

03:05:08 Sen. Moss

03:05:40 Sen. Perry to Ms. Lane, LSD

03:06:34 **Vote:** Motion that SB 74 DO PASS AS AMENDED carried 11-1 by voice vote with SEN. O'NEIL voting no. SEN. JUNEAU, SEN. WANZENRIED, and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 278

03:09:26 **Motion:** SEN. MOSS moved that SB 278 DO PASS.

Discussion:

03:10:00 **Motion:** SEN. MCGEE moved to amend SB 278 with amendment #SB027801.AVL.

EXHIBIT(jus20a07)

Discussion:

03:10:11 Sen. McGee

03:10:56 **Vote:** Motion that amendment #SB027801.AVL BE ADOPTED carried unanimously by voice vote. SEN. JUNEAU, SEN. WANZENRIED, and SEN. WILLIAMS voted aye by proxy.

03:11:21 **Motion:** SEN. MCGEE moved that SB 278 DO PASS AS AMENDED.

Discussion:

03:12:03 Sen. Perry

03:12:54 Sen. O'Neil

03:13:04 Sen. Jent to Sen. O'Neil

03:13:54 Ms. Lane, LSD, to Sen. O'Neil

03:16:48 Sen. Shockley to Sen. O'Neil

03:17:00 Ms. Lane, LSD, to Sen. O'Neil

03:17:49 Sen. Perry to Sen. Jent

03:20:10 Sen. Shockley

03:20:20 Sen. McGee

03:21:59 Sen. Perry

03:22:41 Sen. McGee

03:22:52 Sen. Jent

03:23:17 **Vote: Motion that SB 278 DO PASS AS AMENDED carried 8-4 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, and SEN. PERRY voting no. SEN. JUNEAU, SEN. WANZENRIED, and SEN. WILLIAMS voted aye by proxy.**

ADJOURNMENT

Adjournment: 11:25 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus20aad.pdf](#))